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SECRET SOCIETIES AND POLITICAL ACTION

by

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SECRET SOCIETIES AND POLITICAL ACTION

MANY AMERICANS were shocked recently to learn of the existence of a secret or semi-secret organization of extensive proportions known as the John Birch Society—an extreme anti-Communist group dedicated to promoting radical changes in public policy. The society is little more than two years old. To date its political activity on a national scale seems to have been limited for the most part to a letter-writing campaign to generate pressure for impeachment of Chief Justice Earl Warren.¹ Under ordinary circumstances, an organization holding views as fanatical as those attributed to the John Birch Society or its leader would attract no more than casual attention. Yet stories about this group have taken up columns of newspaper space all over the country, and it has been both attacked and defended repeatedly in both houses of Congress.

Particular objection has been raised to the John Birch Society's sub rosa methods of operating, which seem not unlike those favored by Communist and Fascist conspirators bent on undermining democratic governments. The extremity of the society's views is illustrated by the fact that it calls not only for Warren's impeachment, but also for repeal of the federal income tax and of the social security laws, for withdrawal of the United States from the United Nations and from the North Atlantic Alliance, and for termination of foreign aid and of cultural exchanges with the U.S.S.R.

Few Americans would challenge the right of private individuals to advance unorthodox opinions, and few would fear open debate on the merits of the Birch program. But until the society began to receive publicity early this year, the general public was scarcely aware of its existence, much less of its objectives or tactics. Many persons sensed something sinister in an association of well-to-do, influential Americans seeking by surreptitious means to shake public confidence in government leaders and to weaken

¹ An officer of the John Birch Society contends that 36 out of 39 of Warren's opinions in major Supreme Court cases have furthered the Communist cause.

support of public policy in major areas affecting national security.²

GROUP'S RESEMBLANCE TO A POLITICAL UNDERGROUND

Robert H. W. Welch, the retired candy manufacturer who founded the John Birch Society,³ has denied that it is a secret organization. Recent articles in the press have, in fact, stripped much of the secrecy from the society's activities. In a statement issued March 31 "as an effort to pierce . . . some of the incredible fog of falsehood now being so widely circulated about me," Welch said: "The John Birch Society is not, simply because we have sought to avoid publicity, thereby a secret organization." The society's aim, he said, has been "to build strength and understanding instead of creating noise." The society nevertheless has some of the salient characteristics of what are generally regarded as secret or semi-secret societies.

Rep. Henry S. Reuss (D Wis.), comparing the John Birch Society with the Nazi Party in the period when Hitler was plotting to take power in Germany, asserted in the House of Representatives, April 12, that each could be described as a "secret society established in broad daylight." Reuss said the society, though founded openly,⁴ had the following earmarks of a secret group: It does not disclose the number of its members; it closely guards their names; it does not make public the sources or the extent of its financial support; it does not disclose how its funds are used; and it observes "all the ritual of the secret society."

The structure of the society and the tactics it employs suggest those of an underground conspiracy. A transcript of Welch's presentation at the founding meeting is the society's *Blue Book*. It calls for organization of a "monolithic body" operating "under completely authoritative control at all levels." The local chapters, each limited to 20 members having no direct contact with members of other

² A list of 25 members of the John Birch Society's council, described as the "top governing body under the founder," was issued on March 31. Among those listed were T. Coleman Andrews, former U.S. Commissioner of Internal Revenue; Spruille Braden, former Assistant Secretary of State; Col. Laurence E. Bunker, former aide to Gen. MacArthur; Clarence Manion, former dean of Notre Dame University Law School; heads of a number of corporations; and several former presidents of the National Association of Manufacturers. The N.A.M. has disclaimed any connection with or sympathy for the John Birch Society.

³ Named after a Baptist missionary from Georgia who served as an intelligence officer in China and was killed by a Chinese Communist 10 days after V-J Day. Welch has referred to Birch as "probably the first American casualty in that third world war between Communists and the . . . free world."

⁴ In December 1958, at a meeting in Indianapolis of Welch and 11 other men "whose identities," Reuss said, "have not been revealed."

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chapters, bear a resemblance to the "cells" of the Communist underground.⁵

The John Birch Society welcomes as members only individuals willing to work energetically to promote attainment of its objectives. The Blue Book states: "We need disciplined pullers at the oars and not passengers in the boat . . . a million members is all we would want." This passage has been said to imply creation of a hidden "elite," subject to a hidden authority, that would use devious methods to influence public opinion. Members are instructed to set up separate front groups to press for specific objectives;⁶ to seek leadership positions in open organizations like local parent-teacher groups; to heckle public speakers who take issue with the Birch program; to promote the use of Birch propaganda in other media of communication; and to maintain "a continuous, overwhelming flood of letters" to legislators, government officials, editors, television sponsors, foundation heads, "or anyone else whose opinions, actions and decisions count for anything." Vocal opponents of the society or its program lay themselves open to denunciation as pro-Communist or Communist dupes.

WITHHOLDING OF TRACT DETAILING FOUNDER'S VIEWS

Welch asserted in a 300-page tract called *The Politician* that the American government and American churches and schools were deeply infiltrated by traitors seeking to deliver the United States over to the Kremlin. Former President Eisenhower was described in this publication as a "dedicated, conscious agent of the Communist conspiracy." Other national leaders were said to be serving the Communist cause.

The John Birch leader explained, March 31, that *The Politician* was a reprint of a private letter he had written before the society was founded; he insisted that it did not constitute a part of the organization's program. The tract had been shown to only a few select leaders of the group. William F. Buckley, Jr., best known publicist of extreme right-wingers, has said he "never met a single [Birch Society] member who declared himself in agreement with certain of Mr. Welch's conclusions." He therefore assumed

⁵ John Birchers assert that use of the word "cells" to describe their units represents a Communist-inspired attempt to "smear" the society.

⁶ Welch said, April 13, that there was "nothing immoral about fronts if the fronts don't have immoral purposes."

that the great majority of the members were never aware of Mr. Welch's tract and were "caught completely by surprise at the revelation of some of its contents by the press."⁷

Revelation of a secret testament, written by the society's founder and leader, recalled to some persons *Mein Kampf*, the book which Hitler wrote before he won total power in prewar Germany. That effusion was dismissed by Hitler's supporters as an inconsequential outpouring of extremist views to be tolerated because of the Nazi movement's patriotic objectives. *Mein Kampf*, like *The Politician*, accused the existing government of being rife with traitors and was contemptuous of democracy as government by the rabble.

DISCLOSURES ABOUT THE BIRCH SOCIETY IN CONGRESS

The John Birch Society first attracted national attention early this year when members of Congress began receiving letter after letter demanding impeachment of the Chief Justice. Reports about the influence of the society in various localities followed, indicating that a network of zealots was spreading far and wide.

Sen. Milton R. Young (R N.D.) brought the society's activities officially to the notice of the Senate on March 8. In a speech on the floor that day, Young disclosed that he had been subjected to a letter barrage, by members of the organization in his state, attacking him as pro-Communist. He explained later that he had incurred the wrath of the Birchers by helping to bring about the defeat of a measure in the legislature of North Dakota calling for abolition of the federal income tax and withdrawal of the federal government from numerous long-standing activities, including support of reclamation and irrigation projects. Young said he had discovered that the legislative measure, and the attack on him, had been inspired by the John Birch Society, an organization of which he had never heard until that time.

The Senate was informed by Sen. Gale W. McGee (D Wyo.), March 28, that on a recent visit to Phoenix, Ariz., he had found people "torn badly" by "agitations and whisperings" stirred up by Birchers, chiefly about use of certain books in primary grades of the public schools. Two

⁷ William J. Buckley, Jr., "The Uproar," *National Review*, April 22, 1961, p. 243. Buckley said he approved the Birch campaign and had friendly relations with Welch, but he did not think the government was controlled by Communist conspirators.

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days later, Sen. Thomas J. Dodd (D Conn.) pointed out that Young and Sen. Thomas H. Kuchel (R Calif.) had been the targets of letter writers who accused them of being soft on communism because they had been critical of the society's methods. Some of the letters indicated that lists were being compiled of enemies of the society who would be marked for political defeat or dismissal from their jobs.

Sen. Stephen M. Young (D Ohio) told the Senate, April 3, that the "self-appointed vigilantes" of the John Birch Society had been "practicing character assassination without regard for the truth, threatening merchants with boycotts, threatening college professors and school principals with dismissal" and spreading "fear, hatred and suspicion." A few days later, Maj. Gen. Edwin A. Walker was temporarily relieved of command of an infantry division in Germany, pending investigation of charges by the *Overseas Weekly* that he had been indoctrinating troops with material from the Birch Society. Norman Thomas charged on April 20 that the U.S. Navy had purchased 50 prints of a film produced by a Birch front organization, and that the film had been widely shown at military bases and in educational programs sponsored by industrial corporations. The film, Thomas asserted, tended "to create a most dangerous atmosphere of panic . . . [and] hysteria."

CALL FOR A PROBE; DEFENSE OF GROUP AS PATRIOTIC

Sen. Kuchel called, March 30, for an investigation of Robert Welch by the Senate Government Operations Committee because of his "fantastic and incredible libel" against Eisenhower and Warren. On the same day Rep. Reuss said he had asked the Un-American Activities Committee to investigate the society, but that the committee's chairman, Rep. Francis E. Walter (D Pa.), replied that it had no information indicating that an investigation would be justified. Both the House Un-American Activities Committee and the Senate Internal Security Subcommittee have conducted repeated and exhaustive investigations of Communist activities, thus tearing away the secrecy in which Communist methods of operating were formerly shrouded.

Critics of the John Birch Society have made a point of the apparently healthy financial condition of the organization, its support by prosperous industrialists, and Welch's determination to give no accounting of how the organiza-

tion spends its funds. Sen. Young of Ohio said on April 3 that Welch was "succeeding handsomely in selling life memberships . . . for \$1,000 and raking in thousands of dollars every month in members' dues—\$24 a year for men and \$12 a year for women."

Defenders of the John Birch Society insist that it is a band of worthy citizens with the highest patriotic motives who are performing a badly needed service in fighting the internal menace of communism. Two members of Congress—Reps. Edgar W. Hiestand (R Calif.) and John H. Rousselot (R Calif.)—have acknowledged membership in the society. They have said that other, as yet unidentified, members of Congress also belong. Rep. L. Mendel Rivers (D S.C.) has defended the Birchers and charged that attacks on them are Communist-inspired. Sen. Barry Goldwater (R Ariz.), standard-bearer of right-wing Republicanism, said on April 5 that he was "impressed by the type of people" in the society although he did not agree with some of the opinions of the leader.

Spokesmen for the John Birch Society have said they would welcome a public investigation, because they believe the result would be to draw recruits to the movement. The Internal Security Subcommittee of the Senate Judiciary Committee made known, April 12, that it had been considering an investigation but had postponed a decision. A Justice Department spokesman said on March 31 that many inquiries had been received about the society and that it was "a matter of concern" to Attorney General Robert F. Kennedy, but a week later the Attorney General dismissed the group as "ridiculous." Its members had not broken any laws, he said, and "I don't think anybody should pay too much attention to them."

Secret Societies on the American Scene

SECRET SOCIETIES have flourished in America for a long time. Most of them have been formed to promote good fellowship or the inculcation of moral principles, or to satisfy a taste for elaborate ritual and panoply. Secret societies aiming to effect political changes usually come into existence only where there is an oppressive government which bars all public protest directed against the authorities. Theoretically there would be no occasion for such societies in a democracy unless the purpose was to overthrow the government by force and violence.

Nevertheless, secret societies with political objectives have cropped up periodically in the United States during periods of tension, when conventional instruments of political action have not seemed to provide effective means of pushing through drastic changes in public policy. Persons holding strong but unorthodox opinions may form such organizations out of frustration, because they think the country is "going to the dogs" under its current leaders and that they cannot be unseated, quickly enough or at all, by democratic processes.⁸

A recent study of the "sociology" of secret societies with political objectives cited the following features as characteristic of such groups: Totalitarian control through a complex pyramid reaching down from the leader through his henchmen to each individual member; enrollment of disciplined fanatics trained in prescribed tactics; propagandizing of grievances and agitation in behalf of stated remedies; and an ideology that has an attraction for sizable numbers of people.

Such movements were said to be pioneered by men of words, materialized by fanatics, and consolidated by men of action. "Unable to secure . . . political power and other demands by ordinary peaceful means, such societies resort to underground techniques . . . on the assumption that their methods are the only ones to bring about the sought-after change in the political conditions. . . . Probably the primary aim of any movement is to get the machinery of

⁸ Several leaders of John Birch Society units were included in a group which met in Chicago, April 13-15, to consider forming a new political party, but Welch did not attend. He opposed efforts to form a conservative third party. The Birch Society, he said, has never "taken any position in politics nor intends to take any."

thought control of the people out of the hands of the enemy."⁹

REVOLUTIONARY AGITATION BY THE SONS OF LIBERTY

Perhaps the first secret society to make a major dent in American political life was the Sons of Liberty, organized in the colonies during the controversy over the Stamp Act. The primary purpose of the Sons of Liberty was to agitate for independence. Members circulated petitions stressing grievances of the colonists, tarred and feathered people whose patriotism was suspect, brawled with British soldiers, and intimidated British officials by hanging them in effigy or summoning them to the liberty tree or liberty pole for a tongue-lashing or roughing-up.¹⁰

Masonic orders played an incidental part in the rising tide of rebellion against British rule by propagating the ideals of the 18th century enlightenment. George Washington, Benjamin Franklin and Paul Revere were ardent Masons, and Masonic lodges served as forums for airing colonial grievances; the "Indians" of the Boston Tea Party mobilized at the Green Dragon, the meeting place of a Masonic lodge.¹¹

POLITICAL INFLUENCE OF KNOW-NOTHING MOVEMENT

During the mid-19th century a number of secret societies were active in promoting various causes—temperance, mutual benefit plans, betterment of the underprivileged, and the like. Some of the local societies used vigilante tactics, treating violators of their moral codes to tar and feathers or birch rods.

The most politically effective of the secret societies of this period was the Know-Nothing Party, which had a meteoric career in the 1850s. The party was founded in New York in 1849 as a secret patriotic society called the Order of the Star Spangled Banner. Within two years it had grown into a national organization. It acquired its popular name because members, under oath not to reveal the society's secrets, were instructed to answer all prying

⁹ Joseph S. Rousek, "Sociology of Secret Societies," *American Journal of Economics and Sociology*, January 1960, p. 161.

¹⁰ The trees or poles, dedicated to liberty, were rallying places for denouncing the British, hanging British officials in effigy, etc. The original liberty tree was a Boston elm.

¹¹ In 1830, on the other hand, an Anti-Masonic Party was formed to oppose the election or appointment to public office of anyone who subordinated his civil obligations to his obligation as a member of a secret society. The group was absorbed four years later into the Whig Party.

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questions with the words: "I know nothing about it." The Know-Nothing Party was anti-Catholic, anti-immigrant, and aggressively pro-American. It attracted thousands of people who thought the country was menaced by the current influx of poverty-stricken Irish Catholics. The Know-Nothings, together with other nativist groups, circulated anti-Catholic propaganda, agitated against alleged designs of the Pope and fomented mob violence.

The order, entering actively into politics, rapidly gained strength, not only because it capitalized on prevailing anti-Catholic sentiment, but also because the older political parties were disintegrating. Many citizens joined in hope of halting growth of the split over slavery. At the peak of their strength, the Know-Nothings helped elect a number of candidates for office in northern states. At a national convention in Philadelphia in 1856 they took the name American Party and nominated Millard Fillmore for President.¹² But Fillmore ran a poor third, the party became divided over the slavery issue, and by 1860 it had ceased to exist.

Know-Nothingism was revived after the Civil War on a new tide of anti-Catholic feeling, which was fed by the panic of 1873. A number of nativist societies, pledged to defend Protestant America against a Catholic invasion, were formed in the 1870s and 1880s. They included the Order of the American Union, the Order of the Little Red School House, the Templars of Liberty, the Get-There-America Benefit Association, the Red, White and Blue, and the American Protective Association.

CONSPIRATORIAL ACTIVITIES IN CIVIL WAR PERIOD

Both sides of the slavery issue spawned secret societies. The abolitionist movement was in the open, but the underground railroad, on which abolitionists conducted slaves to free territory, was necessarily secret and, from the standpoint of southern states, subversive. Members of the underground network led escaped slaves along established secret routes at night and sheltered them from discovery by day; as many as 75,000 slaves were believed to have been helped to freedom in this way before the Civil War.

A number of secret societies of the pre-Civil War period

¹² Fillmore had succeeded to the Presidency on the death of Zachary Taylor in 1850 but had not won the Whig nomination in 1852.

were organized to give under-cover support to the South and counteract the rising strength of federal authority, where the influence of the North was predominant. It was a primary and ambitious aim of these groups to bring about the conquest of Cuba and Mexico and annex new slave states to give the South an equal voice with the North at Washington.

The southern groups, whose members received military training, were welded together around 1855 to form the Knights of the Golden Circle, the circle being the hoped-for area of slaveholding hegemony around the Gulf of Mexico. As the national crisis deepened, the Knights became strongly secessionist. After the southern states did secede, the movement spread north to the bordering states of Illinois, Indiana, Missouri and Ohio. Knights there sought to interfere with the Union's prosecution of the war, propagandized against the draft, encouraged and protected deserters, and engaged in sporadic combat with members of the Union League, a secret society of Union sympathizers.

When the Knights' leader was arrested in 1863, members were absorbed into another ritualistic secret society known as the Order of American Knights. This order was exposed by the authorities in 1864. Its members then reorganized under the borrowed name of Sons of Liberty. The new Sons cooperated with Confederate agents in Canada and plotted the overthrow of state governments north of the Ohio River. The aim was to establish a Northwestern Confederacy as an ally of the South, but the conspiracy was duly discovered and its leaders tried by a military commission.

RECURRING INCARNATIONS OF THE KU KLUX KLAN

After the Civil War, the resistance of defeated and disfranchised southern whites to carpetbagger domination centered in the Ku Klux Klan. The Klan was founded in December 1865 as a social club by a group of demobilized soldiers at Pulaski, Tenn. The mysterious rites, the high-flown officer titles, the ghostly costuming, and the secrecy pledges were devised purely for amusement. But when it was discovered that antics of the Klansmen frightened the superstitious Negroes, the members realized that they had found an effective means of protecting their families and property in a disturbed period. As the Klan's purposes grew more serious, its tactics became more unscrupulous. Violence was added to other forms of intimidation to keep

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Negroes in check and to discourage their participation in politics.

The majority of white men of the South belonged to the original Klan or to similar organizations, such as the Knights of the White Camellia and the Knights of the Black Cross. The Klan remained a powerful influence throughout the Reconstruction period, 1867-77, and was a major factor in restoring power to traditional leadership in the South. It was ordered disbanded by its leader in September 1877.

In 1916, nearly two score years later, the Knights of the Ku Klux Klan, a new organization claiming to be a reincarnation of the old, obtained a charter from the State of Georgia as a fraternal and patriotic order. It grew slowly until 1920, when it engaged a press agent who gave it the mantle of "pure Americanism" and launched a "hate campaign" against Negroes, Jews, Catholics, foreigners and any individual or group the Klan considered radical. Membership spread as far as to the West Coast, where Klan antipathies were directed chiefly against the Japanese.

The new Klan reached its zenith in 1924, when it was an influential factor at the Democratic national convention and was credited with having helped to put in office at least three governors and half a dozen senators. Decline set in toward the end of the decade. The organization voted to suspend operations in 1944, but its chief retained authority to "reincarnate" at any time.¹³

The end of World War II brought signs of a Klan revival aimed at President Truman's civil rights program, at unionizing activities in the South, and at the expected demand of demobilized southern Negro soldiers for equal rights. A fiery cross was burned near Atlanta in October 1945. Shortly thereafter the Klan's 1916 charter was reactivated. An outcropping of Klan activities followed the Supreme Court's decision in 1954 on desegregation of public schools. However, the Klan was not able to muster the popular support it formerly enjoyed. Negroes today are not so easily intimidated as in the past, and most solid citizens in the South who actively oppose desegregation have preferred to work through the more dignified organizations known as White Citizens Councils.

¹³ Renewed evidence of the Klan's political power in the 1920s was given in 1937. Appointment then of Sen. Hugo L. Black (D Ala.) to the Supreme Court was confirmed only over opposition arising from Black's acceptance of Klan support in his first campaign for the Senate in 1926.

OPERATIONS OF FASCIST ORGANIZATIONS IN 1930s

A multitude of pro-Fascist organizations that sprang up in the 1930s spread their propaganda openly but were secret in the sense that they hid their true objectives under a claim of being "100 per cent American" patriotic societies. A number of them copied the rituals, symbols and uniforms of Fascist governments in Europe, required members to take oaths of fealty, and gave para-military training under the guise of physical fitness programs. The press was usually barred from all of their gatherings with the exception of mass rallies.

In a book recounting his experiences during four years as an undercover investigator of Fascist organizations, John Roy Carlson listed 32 self-styled "patriotic groups" among those he joined in the years immediately preceding Pearl Harbor. "I found that different types of Fascist organizations were designed to operate on each level of society," he wrote. "You hated the Jews, sabotaged democracy, and best served the cause of Hitlerism in America with those of your own social, economic and cultural level."¹⁴ Father Charles E. Coughlin of Royal Oak, Mich., organizer of the National Union for Social Justice, gave a religious coloration to the Fascist movement until his broadcasts were silenced by his religious superiors. The Fascist societies of the 1930s claimed to be interested solely in protecting American democracy against Communists. After the outbreak of war in August 1939, they turned pacifist and propagandized against aid to Britain.

Shortly after Hitler assumed power in 1933, a number of pro-German groups in the United States joined in forming the Friends of New Germany, which was investigated by a congressional committee and found to be composed largely of German citizens serving the German Fuehrer. When the group was disbanded in 1936, another organization, the German-American Bund, was formed ostensibly for American citizens only. According to Fritz Kuhn, who led the Bund during its stormiest years, the object of the society was "to unite all Germans and Americans in our country in a united front against communism." Kuhn said the Bund was a patriotic American organization which re-

¹⁴ John Roy Carlson, *Under Cover* (1943), p. 42. Among the societies named were the American Nationalist Party, which "catered to the mob"; the Citizens Protective League, which assumed a "horse and buggy Americanism" posture; the American Defense Society, Paul Revere Sentinels, American Destiny Party and Crusaders for Democracy. There were Fascist societies even among Harlem Negroes, who attacked democracy as the source of racial persecution.

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spected Hitler because he fought communism. Later exposés, however, showed that the Bund was an effective agent of the Nazi cause and was, in all salient respects, a branch of the German National Socialist Party.

After Pearl Harbor, the Fascist movements collapsed or fell from view. Since the war's end a few minor organizations of the same type have put in an appearance. An American Nazi Party, promoted by George Lincoln Rockwell of Arlington, Va., apes the dress and manners of the German Nazis of old and presses the familiar anti-Jewish, anti-Communist line, but its membership is believed to be negligible.

SEMI-SECRET ANTI-INTEGRATIONIST NEGRO GROUPS

Negro extremist organizations have many of the characteristics of semi-secret groups. They do not attempt to conceal the goal of a black nationalist society, separate from the white, but their meetings are closed to outsiders, their leaders are chary of giving out information, and they go in for many of the trappings of secret, mystic orders.

Elijah Muhammad's Temples of Islam, better known as the Black Muslims, was founded in 1933, but it received little publicity outside the Negro community until within the past year or so.¹⁵ The Black Muslims carefully guard the operations of their society from all but seriously dedicated members. White persons are rarely allowed to attend meetings, only Negroes are eligible to become members, and only those who prove themselves in the course of a long period of preparation are actually admitted to membership.

The organization maintains strict discipline over its members and will not tolerate the shiftless. Temple men between the ages of 18 and 30 attend physical fitness classes and are trained in judo and in military exercises. Followers of Elijah must eschew tobacco, pork, profanity and narcotics; they must be moderate in eating, dress conservatively, and lead a moral life.

The stated goal of the society is to take over several states of the United States and establish a wholly black community; how this goal is to be reached is not clear. The organization is attempting to win mass support among

¹⁵ The first full-scale study of Muhammad's movement, *The Black Muslims in America*, was published this spring. The author, C. Eric Lincoln, is a Negro philosophy professor who was admitted to meetings from which white persons were barred.

Negroes, to strengthen the Negro economically, and to build up its own material resources and social institutions. The Black Muslims publish several magazines and a newspaper and operate accredited schools in Chicago and Detroit which stress Negro history and Islamic culture. The group's propaganda attacks Christianity and Negro organizations which seek integration and civil rights within a bi-racial society; it calls on members to patronize Negro business establishments, several of which—grocery stores, restaurants, a garment manufacturing plant and a department store in Chicago—are operated by the order.

Muhammad's group is one of a number of Negro societies which uphold racial segregation and are hostile to whites. These groups are responsible for demonstrations before the United Nations, such as that last February after the assassination of the Congolese leader Patrice Lumumba. Recently a new tactic has been adopted: Negro Muslims in jail are resisting prison rules and demanding special concessions. The District of Columbia Department of Corrections warned last July that a Black Muslim group was likely to create "increasing difficulties" at the District's overcrowded reformatory in Lorton, Va. The U.S. Circuit Court of Appeals at Richmond is currently considering a protest by two Muslims who contend they were denied religious freedom at Lorton. More than 100 court actions on similar complaints have been brought by Muslims in New York; Muslim prison inmates have demanded the right to receive temple officials and to conduct Muslim services.

Means of Controlling Secret Societies

UNLESS a secret society conspires to overthrow the government by force and violence, unless it incites to riot, or unless it commits some other offense against law and order, there is little that a democratic government can do about its activities, no matter how widespread the suspicion that the society's ultimate goal is inimical to the public good. The rights of dissent and of free association are protected by the Constitution and court decisions have upheld the right to privacy as an adjunct to those guaranteed freedoms.

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Members of organizations which conspire to commit illegal acts are, of course, subject to prosecution. Occasionally laws have been enacted for no other purpose than to hamper the activities of a particularly troublesome group.¹⁶ But there is no law which forbids an organization to stir up discontent, so long as it does not incite to illegal action. The Alien Registration (Smith) Act of 1940 did not attempt to outlaw belief in an anti-democratic political philosophy, but it forbade advocating overthrow of the U.S. government by force. That provision enabled federal authorities successfully to prosecute Communist leaders.¹⁷ The Internal Security Act of 1950 made secrecy in Communist operations unlawful by requiring Communist organizations to register with the Department of Justice and to submit full information, including sources of support.

DISCLOSURE LAWS AND HARASSMENT BY PROSECUTION

No other secret society with a political motivation is subject to controls as severe as those applied to Communist organizations. Various measures have been taken, however, to make things unpleasant for other groups that are considered offensive. Such measures have included close surveillance of members of such organizations and apprehension of those committing any minor offense; laws or administrative action to require disclosure of information that may lead to harassment; stirring up of hostile public opinion, usually through official investigations; and use of the taxing power to hamper a group's activities.

The German-American Bund was constantly plagued by action of this kind. Citizens petitioned to close down its meeting places as neighborhood nuisances; local authorities sought to revoke its license to dispense beer; and the Bund's marches and rallies were banned on the ground that they would incite to riot. The German-American Settlement League, which operated a camp for Bund members, was prosecuted on a complaint of violating civil rights.

¹⁶ During the Reconstruction period, southern legislatures under control of carpet-baggers adopted measures forbidding prowling in disguise and increasing the penalties for offenses typical of Klansmen. A law enacted in Tennessee in 1869 made entry, or the demand for entry, on the premises of another while wearing a mask *prima facie* evidence of intent to commit a felony. Legislation forbidding the display of red flags or other insignia of radical movements, widely adopted in the first part of the 20th century, was in a similar class.

¹⁷ The Smith Act, sustained by the Supreme Court in 1951 (*Dennis v. United States*, 341 U.S. 494), was somewhat blunted as an anti-Communist weapon by the Court's decision in *Yates v. United States* (354 U.S. 298) in 1957. The Court held there that advocacy of the abstract doctrine of forcible overthrow was not punishable under the Smith Act so long as "divorced from any effort to instigate action to that end." See "Communist Party, U.S.A.," *ERR.*, 1960 Vol. I, pp. 308-310.

Similar harassing tactics have been used of late years against integrationist organizations. Several southern states have tried to hamper the activities of the National Association for the Advancement of Colored People by invoking laws or ordinances requiring organizations which attempt to influence public opinion or legislation to file membership lists and itemized accounts of their sources of revenue. Some states require fund-raising organizations incorporated in other states to obtain a license to operate within the state's borders.¹⁸ The Georgia Revenue Commission obtained a court order in 1956 directing N.A.A.C.P. to turn over its records and membership lists so that the commission could determine its tax liability. Gov. Orval E. Faubus of Arkansas announced in February 1958 that 52 out-of-state corporations, including the N.A.A.C.P., were delinquent in payment of franchise taxes and had therefore forfeited all rights to do business in Arkansas.

COURT RULINGS PROTECTING FREEDOM OF ASSOCIATION

Courts in the past tended to support government efforts to restrict the activities of organizations which operated partly under cover. But in recent years the Supreme Court has greatly narrowed the scope of allowable action against such societies. A commentary in a legal journal last winter observed: "The government has always been confronted with the problem of suppression of unpopular organizations. Governmental attempts at suppression have, in turn, created for the courts the problem of delineating individual rights with respect to the groups involved."¹⁹

The courts for years hobbled labor unions by viewing many of their activities, now taken for granted, as unlawful conspiracies. Most courts sustained the criminal syndicalism laws that numerous states enacted, after the United States entered World War I, to curtail activities of the I.W.W. and other radical groups.²⁰ Courts in the 1920s were inclined to back up legislation requiring disclosure of information about the Klan. The Supreme Court upheld a New York law which required registration and detailed information, including membership lists, from all oath-bound organizations with the exception of labor unions and benevolent orders. The Court said that action to confine

¹⁸ Some of these laws were enacted in the 1920s as weapons against the Ku Klux Klan.

¹⁹ William J. Hotes and Catherine H. Hotes, "Freedom of Association," *Cleveland-Marshall Law Review*, January 1961, p. 106.

²⁰ See "Civil Liberties in War Emergencies," *E.R.R.*, 1940 Vol. II, pp. 286-287.

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the purposes and activities of such societies within limits consistent with the public welfare constituted lawful extension of a state's police powers.²¹

The high court moved in the opposite direction in 1958. It reversed an order by the State of Alabama enjoining the activities of the N.A.A.C.P. in that state because it had failed to comply with a regulation requiring out-of-state corporations to submit the names of their members.²² This decision was widely hailed as giving a new dimension to the right of individuals to privacy in their associations. One commentator said: "With the decision of *N.A.A.C.P. v. Alabama*, there has emerged from the due process clause of the 14th amendment a new constitutional freedom—the freedom of association."²³

Public disclosure of affiliation with an unpopular group, the Supreme Court observed, would be likely to restrain free association, because it would expose members to reprisals, physical coercion and other manifestations of public hostility. Constitutional freedoms, the Court said, may be restricted only when the state has a compelling interest in curtailing those rights. It drew a distinction between the issue in this case and in cases involving the Ku Klux Klan; the Klan engaged in violent acts and unlawful intimidation, which presented the state with a compelling interest.

The authority of government investigating bodies to extract certain information concerning secret or semi-secret societies has been limited by the Supreme Court. Two decisions in 1957 threw out contempt actions against witnesses who refused to divulge the names of members of organizations. In one case the Court held that a congressional committee could not interfere with the freedoms guaranteed by the Bill of Rights unless there was a "clear determination by the House or the Senate that a particular inquiry is justified by a specific legislative need."²⁴ In the other case the Court held that the attorney general of New Hampshire had exceeded authority delegated to him by the legislature to conduct an investigation of subversive activities when he demanded that a witness divulge the names of members of the Progressive Party.²⁵ In a con-

²¹ *Bryant v. Zimmerman*, 278 U.S. 63 (1928).

²² *N.A.A.C.P. v. Alabama*, 357 U.S. 449 (1958).

²³ Myron W. Solter, *George Washington Law Review*, June 1959, p. 653.

²⁴ *Watkins v. United States*, 354 U.S. 178 (1957).

²⁵ *Sweeney v. New Hampshire*, 354 U.S. 234 (1957).

curring opinion, Justice Felix Frankfurter contended that "The inviolability of privacy belonging to a citizen's political loyalties has so overwhelming an importance to our kind of society that it can't be encroached upon on the basis of so meager a countervailing interest of the state as may be . . . found in the remote, shadowy threat to the security of New Hampshire presented [by the Progressive Party]."

POSSIBLE NEED OF NEW SAFEGUARDS FOR DEMOCRACY

It is the view of some persons that the ultimate danger presented by a political action group which operates in semi-secrecy calls for exercise of stronger powers of public control than the law now provides. Public opinion fully supports unusual restrictions on the activities of Communist groups because they are known to have subversive objectives. The John Birch Society is presumably operating within the bounds of legality, but its critics think it would be a healthy thing to bring its activities more into the open.

The main fear aroused by semi-secret political organizations is that, even though they function within the law now, they might be tempted to seek hidden objectives by unlawful means at a time of national crisis. It is often pointed out that Hitler rose to power by constitutional means and then proceeded to destroy the freedoms which enabled him to gain office. Rep. Reuss said on April 12 that the following passage in the *Blue Book* of the John Birch Society suggested the possibility of a dangerous turn in the organization's activities: "Unless we can . . . in time reverse by political action the gradual surrender of the United States to communism, the ultimate alternative of reversal by military uprising is fearful to contemplate."

Prof. Ernest van den Haag of New York University has proposed that the prohibition against advocating overthrow of the government by force and violence be extended to include "the pursuit of subversive aims even by peaceful means." Present limits on government action against anti-democratic groups, he has said, allow the groups to grow until "strong enough to bid for violence."²⁶

²⁶ Ernest van den Haag "Controlling Subversive Groups," *Annals of the American Academy of Political and Social Science*, July 1958, pp. 52-53.



